

Town Board Minutes

March 15, 2004

Meeting No. 11

A Regular Meeting of the Town Board of the Town of Lancaster, Erie County, New York, was held at the Town Hall at 21 Central Avenue, Lancaster, New York on the 15th day of March, 2004 at 8:00 P.M. and there were

PRESENT: DANIEL AMATURA, COUNCIL MEMBER
MARK MONTOUR, COUNCIL MEMBER
RONALD RUFFINO, COUNCIL MEMBER
DONNA STEMPIAK, COUNCIL MEMBER
ROBERT GIZA, SUPERVISOR

ABSENT: NONE

ALSO PRESENT: JOHANNA COLEMAN, TOWN CLERK
CHRISTINE FUSCO, ASSESSOR
ROBERT LABENSKI, TOWN ENGINEER
TERRENCE McCracken, GENERAL CREW CHIEF
RICHARD REESE JR., HIGHWAY SUPERINTENDENT
RICHARD SHERWOOD, TOWN ATTORNEY
JEFFREY SIMME, BUILDING INSPECTOR
GARY STOLDT, CHIEF OF POLICE
JOHN TROJANOWSKY, EXEC. DIRECTOR OF YOUTH BUREAU

PERSONS ADDRESSING TOWN BOARD:

Fronczak, Mike, 3 Woodstream Drive, spoke to the Town Board on the following matter:

- Comments about Homes By Natale, Inc rezone petition. Feels that the project should not be returned to the Planning Board.

Beutler, Daniel, 26 Tyler Street, spoke to the Town Board on the following matters:

- Questions about 2004 County tax bill for Village of Depew residents regarding police tax fund.
- Various comments about police merger with Village of Depew.
- Various comments about 2004 Town Budget.

Brett, James, 659 Harris Hill Road, spoke to the Town Board on the following matter:

- Questions about Columbia Gardens Sewer District.

Chowaniec, Lee, 93 Northwood Drive, spoke to the Town Board on the following matters:

- Comments about Homes By Natale, Inc. rezone application.
- Comments about Real Property Tax Law as it relates to condominium assessments.
- Comments about map cover approval for Fairway Hills Subdivision.

Sherry, Tim, 62 Rehm Road, spoke to the Town Board on the following matters:

- Expressed concerns about the possibility of drunk driving and spill over crime into the Town of Lancaster if the proposed Casino is built in Cheektowaga.
- Requests the Town Board send a letter to Gov. Pataki asking that there be a study done regarding the impacts on the Town of Lancaster if a casino is built in the Town of Cheektowaga.

Symer, Donald, 610 Columbia Avenue, spoke to the Town Board on the following matter:

- Comments regarding Town Sewer District No. 2 whereby the Town of Lancaster will submit an application for low interest loans for sewer improvements.

PUBLIC HEARING SCHEDULED FOR 8:30 P.M.:

At 8:31 P.M., the Town Board held a Public Hearing to hear all interested persons upon the a Special Use Permit application of Donald Babcock for an automobile sales business on premises located at 4274 Walden Avenue.

The affidavits of publication of this Public Hearing are on file and a copy of the Legal Notice has been posted.

NAME	ADDRESS	Proponent/ Opponent/ Comments/Questions
Donald Babcock, the petitioner	4274 Walden Avenue	

ON MOTION BY COUNCIL MEMBER RUFFINO, AND SECONDED BY COUNCIL MEMBER MONTOUR, FOR ADJOURNMENT OF THE PUBLIC HEARING, which resulted as follows:

COUNCIL MEMBER AMATURA	VOTED YES
COUNCIL MEMBER MONTOUR	VOTED YES
COUNCIL MEMBER RUFFINO	VOTED YES
COUNCIL MEMBER STEMPIAK	VOTED YES
SUPERVISOR GIZA	VOTED YES

The Public Hearing was adjourned at 8:40 P.M.

The Supervisor informed those present that the Town Board would reserve decision on this matter.

March 15, 2004

PRESENTATION OF PREFILED RESOLUTIONS BY COUNCIL MEMBERS:

THE FOLLOWING RESOLUTION WAS OFFERED
BY SUPERVISOR GIZA, WHO
MOVED ITS ADOPTION, SECONDED BY
COUNCIL MEMBER AMATURA, TO WIT:

RESOLVED, that the minutes of the Regular Meeting of the Town Board held
March 1, 2004 be and are hereby approved.

The question of the adoption of the foregoing resolution was duly put to a vote on
roll call which resulted as follows:

COUNCIL MEMBER AMATURA	VOTED YES
COUNCIL MEMBER MONTOUR	VOTED YES
COUNCIL MEMBER RUFFINO	VOTED YES
COUNCIL MEMBER STEMPNIAK	VOTED YES
SUPERVISOR GIZA	VOTED YES

March 15, 2004

THE FOLLOWING RESOLUTION WAS OFFERED
BY SUPERVISOR GIZA, WHO
MOVED ITS ADOPTION, SECONDED BY
COUNCIL MEMBER RUFFINO, TO WIT:

WHEREAS, by reason of the enactment of § 925-d of the Real Property Tax Law (RPTL), a municipal corporation to which real property tax is owed, is authorized by passing a local resolution to extend any deadline with respect to the payment of such real property tax, without penalties or interest where said tax is owed by a person who has been deployed by the military, or by the spouse or domestic partner of such deployed person, for real property of such deployed person, and

WHEREAS, a “person deployed by the military” is defined in RPTL § 925-d to mean a person who has been ordered to active military duty, other than training, for the period beginning with a declaration of war by Congress and ending with a date prescribed by Presidential proclamation or concurrent resolution by Congress or during any periods of combat designated by presidential executive order or hazardous duty, and

WHEREAS, where authorized by local resolution, the extension of the real property tax payment deadline is for a period of ninety (90) days following the end of such person’s deployment by the military.

NOW, THEREFORE, BE IT

RESOLVED, that the Town Clerk is hereby directed to extend for a period of ninety (90) days, without penalties or interest, after the end of deployment, any deadline for payment of real property tax owed by a person or by the domestic partner of such person who has been deployed by the military, and

BE IT FURTHER

RESOLVED, that the Town Clerk is further directed to prepare and provide certified copies of this resolution to the County Executive, the Law Department, the Department of Budget, Management and Finance, the Division of Real Property Tax Services, and the Office of the Comptroller.

The question of the adoption of the foregoing resolution was duly put to a vote on roll call which resulted as follows:

COUNCIL MEMBER AMATURA	VOTED YES
COUNCIL MEMBER MONTOUR	VOTED YES
COUNCIL MEMBER RUFFINO	VOTED YES
COUNCIL MEMBER STEMPIAK	VOTED YES
SUPERVISOR GIZA	VOTED YES

March 15, 2004

THE FOLLOWING RESOLUTION WAS OFFERED
BY COUNCIL MEMBER STEMPIAK, WHO
MOVED ITS ADOPTION, SECONDED BY
COUNCIL MEMBER MONTOUR, TO WIT:

WHEREAS, William Kornacki situate at 503 Pavement Road, in the Town of Lancaster, has submitted an application for a Special Use Permit for a used automobile sales business in accordance with provisions of Chapter 50-Zoning, Section 24 (B) (1) of the Code of the Town of Lancaster;

WHEREAS, §50-46 of the Zoning Code of the Town of Lancaster requires that the Town Board conduct public hearings before the issuance of a special use permit for a use as proposed;

NOW, THEREFORE, BE IT

RESOLVED, that pursuant to Chapter 50-Zoning, Section 24 (B) (1), entitled “Light Industrial District (LI)” of the Code of the Town of Lancaster, a Public Hearing on the proposed Special Use Permit for a used automobile sales business on premises locally known as 503 Pavement Road in the Town of Lancaster, New York, will be held at the Town Hall, 21 Central Avenue, Lancaster, New York, on the 5th day of April 2004, 8:30 o’clock P.M., Local Time, and that Notice of the time and place of such Hearing be published in the Lancaster Bee, a newspaper of general circulation in said Town, and be posted on the Town Bulletin Board and that a copy of such Notice of Hearing be referred to the Erie County Department of Planning, pursuant to Section 239(m) of the General Municipal Law, which Notice shall be in the form attached hereto and made a part hereof.

The question of the adoption of the foregoing resolution was duly put to a vote on roll call, which resulted as follows:

COUNCIL MEMBER AMATURA	VOTED YES
COUNCIL MEMBER MONTOUR	VOTED YES
COUNCIL MEMBER RUFFINO	VOTED YES
COUNCIL MEMBER STEMPIAK	VOTED YES
SUPERVISOR GIZA	VOTED YES

March 15, 2004

**LEGAL NOTICE
PUBLIC HEARING
SPECIAL USE PERMIT - WILLIAM KORNACKI
503 PAVEMENT ROAD**

LEGAL NOTICE IS HEREBY GIVEN, that pursuant to the authority set forth in Chapter 50-Zoning, Section 24 (B) (1) “Light Industrial District (LI)” of the Code of the Town of Lancaster, and the Town Law of the State of New York, and pursuant to a resolution of the Town Board of the Town of Lancaster adopted on the 15th day of March, 2004 the said Town Board will hold a Public Hearing on the 5th day of April, 2004, at 8:30 o’clock P.M., Local Time, at the Town Hall, 21 Central Avenue, Lancaster, New York, to hear all interested persons upon the application of William Kornacki for a Special Use Permit for a used automobile sales business on premises locally known as 503 Pavement Road, Town of Lancaster, County of Erie, State of New York.

Full opportunity to be heard will be given to any and all citizens and all parties in interest.

**TOWN BOARD OF THE
TOWN OF LANCASTER**

**BY: JOHANNA M. COLEMAN
Town Clerk**

March 15, 2004

THE FOLLOWING RESOLUTION WAS OFFERED
BY COUNCIL MEMBER STEMPIAK, WHO
MOVED ITS ADOPTION, SECONDED BY
COUNCIL MEMBER MONTGOMERY, TO WIT:

WHEREAS, the Local Government Records Management Improvement Fund (LGRMIF) was created in 1989 to provide technical assistance and grants to establish, improve or enhance records management programs in New York's more than 4300 local governments, and

WHEREAS, the closely related Documentary Heritage Program (DHP) for grants and technical assistance to non-governmental historical records repositories also is supported by the LGRMIF, and

WHEREAS, a sunset date for the LGRMIF was established in the original legislation to permit its operation as a five year experiment, and

WHEREAS, the New York State Legislature in 1995 twice established the sunset date, most recently to December 31, 1995, and

WHEREAS, the LGRMIF has effectively supported essential advisory services and 6,300 grants totaling over \$113 million to improve the management of records for over half of all NYS local governments, and

WHEREAS, the LGRMIF and the programs it supports continue to operate at a high standard of excellence and provide direct and significant benefit to local governments at no cost to the taxpayers, and

WHEREAS, the Town of Lancaster has benefited from technical assistance, training, publications and grants, supported by the LGRMIF, and

WHEREAS, the State Legislature created the closely-related Cultural Education Fund (CEF) to support the New York State Archives, New York State Library and New York State Museum on behalf of all New Yorkers, and the Office for Public Broadcasting, and provided the CEF with an identical sunset date, and

WHEREAS, the LGRMIF and the CEF continue to be critically important in the fulfillment of the many records and information related responsibilities of the Town of Lancaster and to the cultural and scientific needs of the people of New York State.

NOW, THEREFORE, BE IT

RESOLVED, that the Town Board of the Town of Lancaster supports the elimination of said sunset provisions in order to make the LGRMIF and the CEF permanent.

The question of the adoption of the foregoing resolution was duly put to a vote on roll call, which resulted as follows:

COUNCIL MEMBER AMATURA	VOTED YES
COUNCIL MEMBER MONTOUR	VOTED YES
COUNCIL MEMBER RUFFINO	VOTED YES
COUNCIL MEMBER STEMPIAK	VOTED YES
SUPERVISOR GIZA	VOTED YES

March 15, 2004

THE FOLLOWING RESOLUTION WAS OFFERED
BY SUPERVISOR GIZA, WHO
MOVED ITS ADOPTION, SECONDED BY
COUNCIL MEMBER RUFFINO, TO WIT:

WHEREAS, the Municipal Home Rule Law of the State of New York and Chapter 26 of the Code of the Town of Lancaster provide for the adoption and enactment of local laws, and

WHEREAS, the State Legislature by passage of Chapter 462 of the Laws of 2003 has provided by legislation a new sliding scale which will grant further relief to those owners of properties with qualifying disabilities, and

WHEREAS, after review and consideration, the Town Board of the Town of Lancaster deems it in the public interest to amend Article IV of Chapter 40, Taxation, by the repeal in its entirety of §40-17 entitled Exemption Schedule, and to enact in place thereof a Local Law of the Year 2004 enacting a new §40-17 of said Chapter 40 - Taxation, which reads as follows:

TAXATION
CHAPTER 40 - ARTICLE IV

TAXATION
§40-17 - EXEMPTION SCHEDULE
LOCAL LAW
OF THE YEAR 2004

A LOCAL LAW TO AMEND THE CODE OF THE TOWN OF LANCASTER, BY DELETING IN ITS ENTIRETY §40-17 OF CHAPTER 40 - TAXATION, AND ENACTING IN PLACE THEREOF A NEW §40-17 OF CHAPTER 40 TAXATION OF THE CODE OF THE TOWN OF LANCASTER.

BE IT ENACTED by the Town Board of the Town of Lancaster, as follows:

SECTION 1. That §40-17 of Article IV of Chapter 40-taxation be and is hereby deleted.

SECTION 2. That a new §40-17 of Article IV, of Chapter 40-Taxation of the Code of the Town of Lancaster be and is hereby enacted as follows:

§40-17. Exemption Schedule.

Real property owned by one or more persons with disabilities, or real property as provided in the following schedule:

<u>ANNUAL INCOME</u>	<u>PERCENTAGE ASSESSED VALUATION EXEMPT FROM TAXATION</u>
Not More than \$24,000	50 per centum
More than \$24,000 but Less than \$25,000	45 per centum
More than \$25,000 but Less than \$26,000	40 per centum
More than \$26,000 but Less than \$27,000	35 per centum
More than \$27,000 but Less than \$27,900	30 per centum
More than \$27,900 but Less than \$28,800	25 per centum
More than \$28,800 but Less than \$29,700	20 per centum
More than \$29,700 but Less than \$30,600	15 per centum
More than \$30,600 but Less than \$31,500	10 per centum
More than \$31,500 but Less than \$32,400	5 per centum

SECTION 3. This Local Law shall become effective upon filing with the Office of the Secretary of State.

NOW, THEREFORE, BE IT

RESOLVED, as follows:

1. That pursuant to the Municipal Home Rule Law of the State of New York, and Chapter 26 of the Code of the Town of Lancaster, a Public Hearing on a proposed Local Law of the Year 2004, which local law repeals in its entirety Section 40-17 of Article IV of Chapter 40-”Taxation” of the Code of the Town of Lancaster, and enacts in place thereof a new Section 40-17 of Article IV of Chapter 40-Taxation of the said Code, will be held at the Town Hall, 21 Central Avenue, Lancaster, New York, at 8:35 o’clock P.M., Local Time, on the 5th day of April, 2004, and that Notice of the Time and Place of such Hearing shall be published on March 18, 2004, in the Lancaster Bee, being a newspaper of general circulation in said Town, which Notice shall be in the form attached hereto and made a part hereof, and

2. That the Town Clerk is hereby directed to make copies of this proposed Local Law for the Year 2004, for inspection by and distribution to any person during business hours.

The question of the adoption of the foregoing resolution was duly put to a vote on roll call, which resulted as follows:

COUNCIL MEMBER AMATURA	VOTED YES
COUNCIL MEMBER MONTOUR	VOTED YES
COUNCIL MEMBER RUFFINO	VOTED YES
COUNCIL MEMBER STEMPIAK	VOTED YES
SUPERVISOR GIZA	VOTED YES

March 15, 2004

**LEGAL NOTICE
PUBLIC HEARING
PROPOSED LOCAL LAW
TOWN OF LANCASTER**

LEGAL NOTICE IS HEREBY GIVEN, that pursuant to the Municipal Home Rule Law of the State of New York and Chapter 26 of the Code of the Town of Lancaster and pursuant to a resolution of the Town Board of the Town of Lancaster, adopted March 15, 2004 the said Town Board will hold a Public Hearing on the 5th day of April, 2004 at 8:35 o'clock P.M., Local Time, at the Town Hall, 21 Central Avenue, Lancaster, New York, to hear all interested persons upon a proposed Local Law of the Year 2004, which Local Law repeals in its entirety, Section 40-17 of Article IV of Chapter 40 of the Code of the Town of Lancaster, and enacts in place thereof a new Section 40-17 of Article IV of Chapter 40-Taxation, of the Code of the said Town, briefly described as follows:

A Local Law which repeals Section 40-17 of Article IV, Chapter 40 of the Code of the Town of Lancaster, and enacts in place thereof a new Chapter.

This Local Law sets forth the Exemption Schedule for disabled persons by amending the above section of the Town Code.

A complete copy of this proposed Local Law of the Year 2004, designated as Section 40-17, of Article IV of Chapter 40-Taxation of the Code of the Town of Lancaster, is available at the office of the Town Clerk for inspection and distribution to any person during business hours.

Full opportunity to be heard will be given to any and all citizens and all parties in interest.

**TOWN BOARD OF THE
TOWN OF LANCASTER**

**By: JOHANNA M. COLEMAN
Town Clerk**

March 15, 2004

THE FOLLOWING RESOLUTION WAS OFFERED
BY SUPERVISOR GIZA, WHO
MOVED ITS ADOPTION, SECONDED BY
COUNCIL MEMBER MONTOUR, TO WIT:

WHEREAS, the Municipal Home Rule Law of the State of New York and Chapter 26 of the Code of the Town of Lancaster provide for the adoption and enactment of local laws, and

WHEREAS, after review and consideration, the Town Board of the Town of Lancaster deems it in the public interest to enact a Local Law of the Year 2004, entitled “NOTIFICATION OF DEFECTS”, and further designated as Chapter 14, of the Code of the Town of Lancaster, which reads as follows:

NOTIFICATION OF DEFECTS

Chapter 14

NOTIFICATION OF DEFECTS

Proposed Local Law Of the Year 2004

A LOCAL LAW TO PROVIDE THAT NO CIVIL ACTION SHALL BE MAINTAINED FOR DAMAGES OR INJURIES IN CONSEQUENCE OF ANY STREETS, SIDEWALKS, BUILDINGS OR OTHER FACILITIES BEING DEFECTIVE, OUT OF REPAIR, UNSAFE, DANGEROUS, OBSTRUCTED OR IN CONSEQUENCE OF ANY SNOW OR ICE THEREON UNLESS WRITTEN NOTICE WAS THERETOFORE GIVEN AND THERE WAS A FAILURE TO TAKE ACTION WITHIN A REASONABLE TIME, AND

- §14 - 1. Legislative intent and purpose**
- §14 - 2. Conditions for civil action.**
- §14 - 3. Action upon receipt of notice.**
- §14 - 4. When effective.**

BE IT ENACTED, by the Town Board of the Town of Lancaster, New York as follows:

§14 - 1. Legislative intent and purpose.

The purpose of this local law is to provide that no civil action shall be maintained for damages or injuries in consequence of any streets, sidewalks, buildings or other facilities being defective, out of repair, unsafe, dangerous, obstructed or in consequence of any snow or ice thereon unless written notice was theretofore given and there was a failure to take action within a reasonable time.

§14 - 2. Conditions for civil action.

- A.** No civil action shall be maintained against the Town of Lancaster, any of its districts located therein or any town officer, agent or employee for damages or injuries to person or property sustained in consequence of any street, highway, bridge, culvert, sign highway marking or device, sidewalk or crosswalk or any town building or facility being defective, out of repair, unsafe, dangerous or obstructed or in consequence of snow and ice thereon unless it appears that written notice of such defective, unsafe, dangerous or obstructed condition, or of the existence of the snow or ice, of such highway, bridge or culvert was actually given to the Town Clerk or Town Superintendent of Highways of the Town of Lancaster and there was a failure or neglect within a reasonable time after the giving of such notice to repair or remove the defect, danger or obstruction complained of or to cause the snow or ice to be moved or place made otherwise reasonably safe.
- B.** Such written notice shall be dated and signed and shall, among other things, specify the particular place and condition alleged to be out of repair, unsafe, dangerous or obstructed or the place and extent of the existence of the snow or ice and shall be actually given to the Town Highway Superintendent or Town Clerk.

§14 - 3. Action upon receipt of notice.

The Town Superintendent of Highways shall transmit in writing to the Town Clerk, within five days after receipt thereof, all written notices received by him pursuant to this chapter. The Town Clerk shall cause all written notices received by him or her pursuant to this chapter to be recorded and preserved pursuant to Town Law §65-a (4).

§14 - 4. When effective.

This chapter shall become effective upon filing with the Secretary of State.

**NOW, THEREFORE, BE IT
RESOLVED,** as follows:

1. That pursuant to the Municipal Home Rule Law of the State of New York and Chapter 26 of the Code of the Town of Lancaster, a Public Hearing on the proposed Local Law of the Year 2004, entitled “Notification of Defects” and further designated as Chapter 14 of the Code of the Town of Lancaster, will be held at the Town Hall, 21 Central Avenue, Lancaster, New York, at 8:45 o’clock P.M., Local Time, on the 5th day of April, 2004, and that Notice of the Time and Place of such Hearing shall be published on March 18, 2004, in the Lancaster Bee, being a newspaper of general circulation in said Town and posted on the Town Bulletin Board, which Notice shall be in the form attached hereto and made a part hereof, and
2. That the Town Clerk is hereby directed to make copies of this proposed Local Law for the Year 2004, entitled “Notification of Defects” available for inspection by and distribution to any person during business hours.

The question of the adoption of the foregoing resolution was duly put to a vote on roll call, which resulted as follows:

COUNCIL MEMBER AMATURA	VOTED YES
COUNCIL MEMBER MONTOUR	VOTED YES
COUNCIL MEMBER RUFFINO	VOTED YES
COUNCIL MEMBER STEMPIAK	VOTED YES
SUPERVISOR GIZA	VOTED YES

March 15, 2004

**LEGAL NOTICE
PUBLIC HEARING
TOWN OF LANCASTER**

LEGAL NOTICE IS HEREBY GIVEN, that pursuant to the Municipal Home Rule Law of the State of New York and Chapter 26 of the Code of the Town of Lancaster and pursuant to a resolution of the Town Board of the Town of Lancaster, adopted March 15, 2004, the said Town Board will hold a Public Hearing on the 5th day of April, 2004 at 8:45 o'clock P.M., Local Time, at the Town Hall, 21 Central Avenue, Lancaster, New York, to hear all interested persons upon a proposed Local Law of the Year 2004, entitled "Notification of Defects", and further designated as Chapter 14 of the Code of the said Town, briefly described as follows:

"A local law to provide that no civil action shall be maintained for damages or injuries in consequence of any streets, sidewalks, buildings or other facilities being defective, out of repair, unsafe, dangerous, obstructed or in consequence of any snow or ice thereon unless written notice was theretofore given and there was a failure to take action within a reasonable time."

A complete copy of this proposed Local Law of the Year 2004, entitled "Notification of Defects", and designated as Chapter 14 of the Code of the Town of Lancaster, is available at the office of the Town Clerk for inspection and distribution to any person during business hours.

Full opportunity to be heard will be given to any and all citizens and all parties in interest.

**TOWN BOARD OF THE
TOWN OF LANCASTER**

**By: JOHANNA M. COLEMAN
Town Clerk**

March 15, 2004

THE FOLLOWING RESOLUTION WAS OFFERED
BY COUNCIL MEMBER AMATURA, WHO
MOVED ITS ADOPTION, SECONDED BY
COUNCIL MEMBER STEMPNIAK, TO WIT:

WHEREAS, the Town of Lancaster desires to eventually cause the transfer of ownership and responsibility of Town Sewer District No. 2 to Erie County Sewer District No. 4, and

WHEREAS, discussions with the County have resulted in a decision that there should be an evaluation of the Town District facilities performed to identify deficiencies and make recommendations for necessary improvements before the Town and County enter into any intermunicipal agreement with regard to improvements, and

WHEREAS, URS Corporation has provided a proposal to assist the Town in preparing the submission of appropriate documentation to Environmental Facilities Corporation in order to place this project on a list with the Clean Water Intended Use Plan being developed for the state which would permit low interest loans from the State Revolving Fund, and

WHEREAS, URS proposes to provide services to the Town for a fee not to exceed \$1,500.

NOW, THEREFORE, BE IT

RESOLVED, that the Town Board of the Town of Lancaster hereby authorizes the Supervisor to enter into an Agreement with URS to provide the services as they have set out in their March 3, 2004 letter to the Supervisor at a fee not to exceed \$1,500.

The question of the foregoing resolution was duly put to a vote on roll call which resulted as follows:

COUNCIL MEMBER AMATURA	VOTED YES
COUNCIL MEMBER MONTOUR	VOTED YES
COUNCIL MEMBER RUFFINO	VOTED YES
COUNCIL MEMBER STEMPNIAK	VOTED YES
SUPERVISOR GIZA	VOTED YES

March 15, 2004

THE FOLLOWING RESOLUTION WAS OFFERED
BY COUNCIL MEMBER STEMPNIAK WHO
MOVED ITS ADOPTION, SECONDED BY
COUNCIL MEMBER MONTOUR, TO WIT:

WHEREAS, Realty USA, 6505 East Quaker Road, Orchard Park, New York, has submitted a revised Site Plan prepared by Silvestri Architects, PC dated January 20, 2004 and received February 3, 2004 for the proposed construction of a 10,850 square foot two-story brick faced office building located at 4909 Transit Road in the Town of Lancaster, and

WHEREAS, the Planning Board has reviewed the plan and at its meeting February 4, 2004 has recommended approval of this project, and

WHEREAS, a SEQR Review of this project was held March 15, 2004 and a negative declaration was issued at that time;

NOW, THEREFORE, BE IT

RESOLVED, that the Town Board of the Town of Lancaster hereby approves the revised Site Plan submitted by Realty USA and prepared by Silvestri Architects, PC dated January 20, 2004 and received February 3, 2004 for the proposed construction of a 10,850 square foot two-story brick faced office building located at 4909 Transit Road in the Town of Lancaster with the following conditions:

(1) That the developer/owner provide for interconnectivity between its parking lot to the parking lots to the developed parcels to the south and possibly north of the premises in response to New York State Department of Transportation plans to provide for future limited access points to Transit Road.

The question of the adoption of the foregoing resolution was duly put to a vote on roll call, which resulted as follows:

COUNCIL MEMBER AMATURA	VOTED YES
COUNCIL MEMBER MONTOUR	VOTED YES
COUNCIL MEMBER RUFFINO	VOTED YES
COUNCIL MEMBER STEMPNIAK	VOTED YES
SUPERVISOR GIZA	VOTED YES

PREFILED RESOLUTION NO. 9 - MEETING OF 3/15/04

Stempniak/ _____ Deny Zoning Map Change Re: Petition Of Homes By Natale Inc
5067 William Street

At the request of Council Member Stempniak, this resolution was withdrawn and sent to Planning Board for further study.

THE FOLLOWING RESOLUTION WAS OFFERED
BY SUPERVISOR GIZA, WHO
MOVED ITS ADOPTION SECONDED BY
COUNCIL MEMBER STEMPNIAK, TO WIT:

WHEREAS, §467 of the Real Property Tax Law of the State of New York permits the Town to grant a partial exemption from real property taxation for persons sixty-five (65) years of age or over, on a graduated scale based upon the income, and

WHEREAS, the State Legislature by passage of Chapter 512 of the Laws of 2003 has provided by legislation a new sliding scale which will grant further relief to those owners meeting the eligibility criteria, and

WHEREAS, the effect of the increase in income eligibility will not place any undue burden on the taxpaying public, but will materially improve the economic ability of our senior citizens to cope with the ravages of inflation while living on a fixed income, and

WHEREAS, the Town Board deems it in the public interest to adopt the new graduated scale;

NOW, THEREFORE, BE IT

RESOLVED, that pursuant to Section 467 of the Real Property Tax Law of the State of New York, a Public Hearing on the enactment by resolution of a senior citizens tax exemption will be held on the 5th day of April 8:40 o'clock P.M., Local Time, at the Town Hall, 21 Central Avenue, Lancaster, New York, and that a Notice of the time and place of such hearing shall be published in the Lancaster Bee, the Official Newspaper, and be posted on the Town Bulletin Board, which Notice shall be in the form attached hereto and made a part hereof.

The question of the adoption of the foregoing resolution was duly put to a vote on roll call, which resulted as follows:

COUNCIL MEMBER AMATURA	VOTED YES
COUNCIL MEMBER MONTOUR	VOTED YES
COUNCIL MEMBER RUFFINO	VOTED YES
COUNCIL MEMBER STEMPNIAK	VOTED YES
SUPERVISOR GIZA	VOTED YES

March 15, 2004

**LEGAL NOTICE
PUBLIC HEARING
TOWN OF LANCASTER**

NOTICE IS HEREBY GIVEN, that pursuant to Section 467 of the Real Property Tax Law and pursuant to a resolution of the Town Board of the Town of Lancaster, adopted on the 15th day of March, 2004 said Town Board will hold a Public Hearing on the 5th day of April, 2004, at 8:40 o'clock P.M., Local Time, at the Town Hall, 21 Central Avenue, Lancaster, New York, upon the resolution authorizing a partial exemption from real property taxation for persons sixty-five (65) years of age or over, on a graduated scale based upon the income, as follows:

SENIOR CITIZENS TAX EXEMPTION

1.	<u>ANNUAL INCOME</u>	<u>PERCENTAGE ASSESSED</u> <u>VALUATION EXEMPT FROM</u>
—	Not More than \$24,000	50 per centum
	More than \$24,000 but Less than \$25,000	45 per centum
	More than \$25,000 but Less than \$26,000	40 per centum
	More than \$26,000 but Less than \$27,000	35 per centum
	More than \$27,000 but Less than \$27,900	30 per centum
	More than \$27,900 but Less than \$28,800	25 per centum
	More than \$28,800 but Less than \$29,700	20 per centum
	More than \$29,700 but Less than \$30,600	15 per centum
	More than \$30,600 but Less than \$31,500	10 per centum
	More than \$31,500 but Less than \$32,400	5 per centum

2. The partial exemption being provided for herein shall be subject to the provisions of Section 467 of the Real Property Tax Law, and any other law or statute applicable thereto.

Full opportunity to be heard will be given to any and all citizens and all parties in interest.

**TOWN BOARD OF THE
TOWN OF LANCASTER**

BY: JOHANNA M. COLEMAN
Town Clerk

March 15, 2004

THE FOLLOWING RESOLUTION WAS OFFERED
BY SUPERVISOR GIZA, WHO
MOVED ITS ADOPTION, SECONDED BY
COUNCIL MEMBER MONTOUR, TO WIT:

WHEREAS, the Executive Director of the Youth Bureau of the Town of Lancaster, by letter dated March 10, 2004, has recommended the appointment of Michael Salva to the position of Program Coordinator, temporary, for the Youth Bureau during the leave of absence of the current Program Coordinator.

NOW, THEREFORE, BE IT

RESOLVED, that Michael Salva, 63 Southpoint Drive, Lancaster, New York 14086 be and is hereby appointed to the position of Program Coordinator, temporary, in the Youth Bureau of the Town of Lancaster, effective March 29, 2004, at an hourly rate of \$16.61 (which is 75% of the regular Program Coordinator salary), with no benefits.

BE IT FURTHER

RESOLVED, that the Supervisor of the Town of Lancaster take the necessary action with the Personnel Officer of the County of Erie to accomplish the foregoing.

The question of the foregoing resolution was duly put to a vote on roll call which resulted as follows:

COUNCIL MEMBER AMATURA	VOTED YES
COUNCIL MEMBER MONTOUR	VOTED YES
COUNCIL MEMBER RUFFINO	VOTED YES
COUNCIL MEMBER STEMPIAK	VOTED YES
SUPERVISOR GIZA	VOTED YES

March 15, 2004

THE FOLLOWING RESOLUTION WAS OFFERED
BY SUPERVISOR GIZA, WHO MOVED ITS
ADOPTION, SECONDED BY COUNCIL
MEMBER AMATURA, TO WIT:

WHEREAS, Marrano/Marc Equity Corporation. 2730 Transit Road, West Seneca, New York 14224, has applied to the Town Board of the Town of Lancaster for a permit to construct a Public Improvement upon real property in the Town of Lancaster within Summerfield Farms Subdivision, Phase 2A, and

WHEREAS, the Town Engineer of the Town of Lancaster has certified on the following permit application that he has reviewed the improvement plans and permit application for the installation of the public improvement requested, and that it conforms to the Ordinances of the Town of Lancaster.

NOW, THEREFORE, BE IT

RESOLVED, that Public Improvement Permit Application No. 583 of Marrano/Marc Equity Corporation, 2730 Transit Road, West Seneca, New York 14224, for the installation of:

P.I.P. No. 583 (Street Lights)	All wire conduits, poles, lamps, lampholders, photocells, and other appurtenances required in the installation of six (6) street lights at Summerfield Farms Subdivision, Phase 2A.
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be and is hereby approved and the installation of the improvement requested be and is hereby authorized.

The question of the adoption of the foregoing resolution was duly put to a vote on roll call which resulted as follows:

COUNCIL MEMBER AMATURA	VOTED YES
COUNCIL MEMBER MONTOUR	VOTED YES
COUNCIL MEMBER RUFFINO	VOTED YES
COUNCIL MEMBER STEMPNIAK	VOTED YES
SUPERVISOR GIZA	VOTED YES

March 15, 2004

THE FOLLOWING RESOLUTION WAS OFFERED
BY SUPERVISOR GIZA, WHO
MOVED ITS ADOPTION, SECONDED BY
COUNCIL MEMBER RUFFINO, TO WIT:

WHEREAS, the Bowmansville Volunteer Fire Association, Inc., by letter dated March 8, 2004 has requested the addition of one (1) Non-Resident Probationary Active Member, one (1) Non-Resident Limited Active Member and one (1) Resident Limited Active Member to the membership roster of said fire association.

NOW, THEREFORE, BE IT

RESOLVED, that the Town Board of the Town of Lancaster hereby confirms the following additions to the membership of the Bowmansville Volunteer Fire Association:

ADDITION - Non-Resident Probationary Active Member:

Timothy Wojcik
75 Holland Avenue
Lancaster, New York 14086

ADDITION - Non-Resident Limited Active Member:

Jeffery Becker
63 Anthony Drive
Depew, New York 14043

ADDITION - Resident Limited Active Member

Michael Miranda
38 Maple Drive
Bowmansville, New York 14026

The question of the adoption of the foregoing resolution was duly put to a vote on roll call which resulted as follows:

COUNCIL MEMBER AMATURA	VOTED YES
COUNCIL MEMBER MONTOUR	VOTED YES
COUNCIL MEMBER RUFFINO	VOTED YES
COUNCIL MEMBER STEMPNIAK	VOTED YES
SUPERVISOR GIZA	VOTED YES

March 15, 2004

THE FOLLOWING RESOLUTION WAS OFFERED
BY SUPERVISOR GIZA, WHO MOVED ITS
ADOPTION, SECONDED BY COUNCIL
MEMBER MONTOUR, TO WIT:

RESOLVED, that the following Audited Claims be and are hereby ordered paid
from their respective accounts as per abstract to be filed in the Office of the Town Clerk by the
Director of Administration and Finance, to wit:

Claim No. 7542 to Claim No. 7865 Inclusive

Total amount hereby authorized to be paid: \$410,624.02

The question of the foregoing resolution was duly put to a vote on roll call
which resulted as follows:

COUNCIL MEMBER AMATURA	VOTED YES
COUNCIL MEMBER MONTOUR	VOTED YES
COUNCIL MEMBER RUFFINO	VOTED YES
COUNCIL MEMBER STEMPNIAK	VOTED YES
SUPERVISOR GIZA	VOTED YES

THE FOLLOWING RESOLUTION WAS OFFERED
BY COUNCIL MEMBER STEMPIAK, WHO
MOVED ITS ADOPTION, SECONDED BY
COUNCIL MEMBER RUFFINO, TO WIT:
RESOLVED that the following Building Permit applications be and are hereby
reaffirmed:

CODES:

- (SW) = Sidewalks as required by Chapter 12_1B. of the Code of the Town Lancaster are waived for this permit.
- (CSW) = Conditional sidewalk waiver.
- (V/L) = Village of Lancaster

NEW PERMITS:

11458	Hess, Harold	5610 Genesee St	Er. Garage
11459	Jezewski, Elaine	15 Candice Ct	Er. Basement Exit
11460	Passucci, Emilo	36 Stone Hedge Dr	Er. Dwlg._Sin.
11461	Hoddick, Barbara	5259 Broadway	Dem. Garage (V/L)
11462 SW	Regent Contracting	4845 Transit Rd	Er. Res. Apartment
11463 SW	Regent Contracting	4845 Transit Rd	Er. Res. Apartment
11464 SW	Regent Contracting	4845 Transit Rd	Er. Res. Apartment
11465 SW	Regent Contracting	4845 Transit Rd	Er. Res. Apartment
11466	Hayes, Donald	133 Central Ave	Er. Res. Add. (V/L)
11467	Forbes Homes Inc	35 Windcroft Ln	Er. Dwlg._Sin.
11468	Hall, Kevin	1283 Penora St	Er. Gazebo
11469	Roberts, Ronald	60 Fairfield Ave	Er. Res. Add (V/L)
11470	Sun Enterprises Inc	29 Creekwood Dr	Er. Shed
11471	Iroquois Fence Co	7 Hill Valley Dr	Er. Fence
11472	Amirs Vision Inc	3878 Walden Ave	Dem. Dwlg. & Barn
11473	Meyer, Ronald	86 Sawyer Ave	Er. Fireplace (V/L)
11474	Iroquois Fence Co	67 Michael Anthony Ln	Er. Fence
11475	Puglisi, Frank	41 Michael Anthony Ln	Er. Res. Alt.
11476	Burr, Timothy	5 Impala Pky	Er. Shed
11477	Schuster, Thomas	363 Aurora St	Er. Res. Add. (V/L)
11478	Lmed Lic	4893 Transit Rd	Er. Sign_Temp
11479	Duro_Shed Inc	6421 Genesee St	Er. Shed
11480	Morin, Michael	47 Stream View Ln	Er. Deck
11481	Macken Service Inc	6529 Broadway	Dem. Garage

BE IT FURTHER

RESOLVED, that the Building Permit Applications herein coded (SW) for sidewalk waiver be and are hereby reaffirmed with a waiver of the Town Ordinance requirement for sidewalks, and

BE IT FURTHER

RESOLVED, that the Building Permit Applications herein coded (CSW) for conditional sidewalk waiver be and are hereby reaffirmed with a waiver of the Town Ordinance required for sidewalks, however, the waiver is granted upon the expressed condition that the Town of Lancaster, at any future date, reserves the right to order sidewalk installation at the expense of the property owner.

The question of the adoption of the following resolution was duly put to a vote on roll call which resulted as follows

COUNCIL MEMBER AMATURA	VOTED YES
COUNCIL MEMBER MONTOUR	VOTED YES
COUNCIL MEMBER RUFFINO	VOTED YES
COUNCIL MEMBER STEMPIAK	VOTED YES
SUPERVISOR GIZA	VOTED YES

March 15, 2004

File: Rbldg2

Supervisor Giza requested a suspension of the necessary rule for immediate consideration of the following resolutions:

Council Member Ruffino moved to suspend the necessary rules for immediate consideration of the following resolutions, seconded by Council Member Montour and carried.

SUSPENSION GRANTED.

THE FOLLOWING RESOLUTION WAS OFFERED
BY SUPERVISOR GIZA, WHO MOVED
ITS ADOPTION, SECONDED BY
COUNCIL MEMBER RUFFINO, TO WIT:

WHEREAS, the Chief of Police of the Town of Lancaster, by letter from Captain Timothy Murphy dated March 12, 2004, has requested permission for Captain Timothy Murphy and Detective Donald Lynch to attend the Middle Atlantic-Great Lakes-Organized Crime Law Enforcement Network (MAGLOCLN) Annual Seminar in Cleveland, Ohio from April 5, 2004 through April 9, 2004.

NOW, THEREFORE, BE IT

RESOLVED, that Captain Timothy Murphy and Detective Donald Lynch of the Town of Lancaster Police Department be and are hereby authorized to attend the Middle Atlantic-Great Lakes-Organized Crime Law Enforcement Network (MAGLOCLN) in Cleveland, Ohio from April 5, 2004 through April 9, 2004, and

BE IT FURTHER

RESOLVED, that expense reimbursement be and is hereby authorized in an amount not to exceed \$1,000 each with one Officer’s attendance reimbursed by the Middle Atlantic-Great Lakes-Organized Crime Law Enforcement Network(MAGLOCLN) and the second Officer’s attendance is to be paid by the Asset Forfeiture Account by the Town of Lancaster, and

BE IT FURTHER

RESOLVED, that said reimbursement will be made only upon submission of proper documentation and substantiation of expenses, including receipts, to the Accounting Department of the Town of Lancaster.

The question of the adoption of the foregoing resolution was duly put to a vote on roll call which resulted as follows:

COUNCIL MEMBER AMATURA	VOTED YES
COUNCIL MEMBER MONTOUR	VOTED YES
COUNCIL MEMBER RUFFINO	VOTED YES
COUNCIL MEMBER STEMPNIAK	VOTED YES
SUPERVISOR GIZA	VOTED YES

March 15, 2004
File: RSEMMTGS (P14)

THE FOLLOWING RESOLUTION WAS OFFERED
BY SUPERVISOR GIZA, WHO MOVED
MOVED ITS ADOPTION, SECONDED BY
COUNCIL MEMBER STEMPNIAK, TO WIT:

WHEREAS, the Chief of Police of the Town of Lancaster, by letter from Captain Timothy Murphy, dated March 12, 2004, has requested permission for Detective Donald Lynch and Detective Jeffrey VanSplunder to attend the State Fire Investigators School in Montour Falls, New York from May 10, 2004 through May 14, 2004.

NOW, THEREFORE, BE IT

RESOLVED, that Detective Donald Lynch and Detective Jeffrey VanSplunder be and are hereby authorized to attend the State Fire Investigators School in Montour Falls, New York from May 10, 2004 through May 14, 2004, and

BE IT FURTHER

RESOLVED, that the total expense reimbursement be and is hereby authorized not to exceed \$700, and

BE IT FURTHER

RESOLVED, that said reimbursement will be made only upon submission of proper documentation and substantiation of expenses, including receipts, to the Accounting Department of the Town of Lancaster.

The question of the adoption of the foregoing resolution was duly put to a vote on roll call which resulted as follows:

COUNCIL MEMBER AMATURA	VOTED YES
COUNCIL MEMBER MONTOUR	VOTED YES
COUNCIL MEMBER RUFFINO	VOTED YES
COUNCIL MEMBER STEMPNIAK	VOTED YES
SUPERVISOR GIZA	VOTED YES

March 15, 2004

COMMUNICATIONS & REPORTS:

114. Town Clerk to Town Board -
Application for Special Use Permit for William Kornacki, 503 Pavement Road.
DISPOSITION = Planning Committee
115. NYS DOT to Town Attorney -
Notification of Lead Agency Designation to the Town of Lancaster regarding Realty USA, 4909 Transit Road; comments noted. DISPOSITION = Planning Committee
116. NYS Department of Health to Town Clerk -
Transmittal of statement regarding issuance of licenses for same-sex marriages.
DISPOSITION = Received & Filed
117. Clerk, Erie County Legislature to Town Board -
Transmittal of resolution adopted by the Erie County Legislature supporting the Dollar Homes Initiative of the Dept. of Housing and Urban Development. DISPOSITION = Received & Filed
118. Town Attorney to Town Board, Planning Board, Town Clerk, Building Inspector, Town Engineer -
Notice of SEQR meeting, March 15, 2004 at 6:30 PM to review site plan application of Realty USA, 4909 Transit Road. DISPOSITION = Received & Filed
119. Town Clerk to Various News Media -
Notice to media of SEQR meeting, March 15, 2004 at 6:30 PM to review site plan application of Realty USA, 4909 Transit Road. DISPOSITION = Received & Filed
120. Chairman, Planning Board to Town Board and Planning Board -
Transmittal of summary of training seminars attended at the NY Association of Towns meeting. DISPOSITION = Received & Filed
121. Greater Buffalo-Niagara Regional Transportation Council to Town Board -
Notice of meeting, March 10, 2004 at 9:30 AM in Irving, NY. DISPOSITION = Received & Filed
122. Erie County Dept. of Environment and Planning to Supervisor -
Notice of public meetings for the Erie-Niagara Framework for Regional Growth.
DISPOSITION = Received & Filed
123. Superintendent of Public Works, Village of Lancaster to E.C. Dept. of Environment and Planning -
Transmittal of letter regarding sanitary sewer connections for Woodcrest East Apartments, Harvey and George Drives. DISPOSITION = Town Engineer
124. Planning Board Chairman to Superintendents, Lancaster & Iroquois Central Schools -
Letter advising of possible district boundary problems regarding proposed Windsor Ridge South Subdivision. DISPOSITION = Planning Committee
125. Adelphia to Supervisor -
Update of Adelphia's Chapter 11 bankruptcy process. DISPOSITION = Received & Filed
126. NYS DEC to Supervisor -
Letter regarding Municipal Separate Stormwater Sewer Systems (MS4) Permit Annual Report. DISPOSITION = Town Engineer
127. Erie County Farm Bureau Inc. to Supervisor -
Request for local law endorsing Right to Farm. DISPOSITION = Town Attorney
128. Government Finance Officers Association to Supervisor -
Notification of qualification for Certificate of Achievement for Excellence in Financial Reporting for fiscal year ending December 31, 2002. DISPOSITION = Received & Filed

129. Town Clerk to Town Board -
Transmittal of first settlement of the 2004 Town/County Tax Collection.
DISPOSITION = Received & Filed
130. Town Clerk to Town Board -
Transmittal of monthly report for February 2004. DISPOSITION = Received & Filed
131. Michael Fronczak to Town Board -
Comments and concerns regarding proposed rezone application of Homes by Natale,
William Street. DISPOSITION = Planning Committee
132. Planning Board Chairman to Planning Board Members, Town Board Members, Town
Engineer, Deputy Town Attorney, Building Inspector -
Draft copy of Planning Board minutes of meeting held March 3, 2004. DISPOSITION
= Received & Filed
133. Planning Board to Town Board -
Recommend approval of preliminary plat plan of proposed Parkhaven Patio Homes,
west side of Bowen Road; conditions noted. DISPOSITION = Planning Committee
134. Planning Board to Town Board -
Recommend approval of preliminary plat plan of proposed Pleasant Heights
Subdivision, Pleasantview Drive and Forton Drive; conditions noted. DISPOSITION
= Planning Committee
135. Town Attorney to Town Board, Planning Board, Town Clerk, Building Inspector, Town
Engineer -
Notice of SEQR meeting, March 15, 2004 at 6:30 PM to review site plan application
of Pleasant Heights Subdivision, Pleasantview Drive and Forton Drive.
DISPOSITION = Received & Filed
136. Erie County Department of Environment & Planning to Town Attorney -
Notification of Lead Agency Designation to the Town of Lancaster regarding
proposed Tim Horton's Restaurant, N. E. corner Harris Hill Road & Genesee Street;
comments noted. DISPOSITION = Planning Committee
137. Landmark Society of the Niagara Frontier to Supervisor -
Letter of appreciation for financial assistance to Hull House Restoration Project.
DISPOSITION = Received & Filed
138. Adelphia to Supervisor -
Notification of fee changes relating to cable service. DISPOSITION = Cable
Committee
139. Government Finance Officers Association to Supervisor -
Notification of qualification for Certificate of Achievement for Excellence in Financial
Reporting for fiscal year ending December 31, 2002. DISPOSITION = Received &
Filed (Duplicate of #128)
140. Bowmansville Volunteer Fire Association to Town Board -
Request for change in roster. DISPOSITION = Resolution 3/15/04

ADJOURNMENT:

ON MOTION OF COUNCIL MEMBER RUFFINO AND SECONDED BY COUNCIL MEMBER MONTOUR AND CARRIED, the meeting was adjourned at 9:16 P.M

Signed _____
Johanna M. Coleman, Town Clerk.